

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**Civil Action
No.**

**NEW BEDFORD HARBOR COMMISSION,
Plaintiff,**

vs.

**IZABELLA ROSE FISHERIS, LLC
and MATTHEW PARENT, *In Personam*,**

and

**F/V IZABELLA ROSE (O.N. 521738)
her engines, tackle, gear
and appurtenances, *In Rem*,
Defendants.**

**VERIFIED COMPLAINT IN ADMIRALTY
AND PRAYER FOR *IN REM* ARREST**

Now comes the Plaintiff, The New Bedford Harbor Commission (“NBHC”) by and through its undersigned counsel, Clinton & Muzyka, P.C., and proceed against Defendants, Izabella Rose Fisheries, LLC, and Matthew Parent, *in personam*, and against the Defendant Fishing Vessel, IZABELLA ROSE (O.N. 521838), her engines, tackle, apparel, furniture, equipment, rigging, and all other necessities appurtenant thereto, *in rem*.

JURISDICTION

1. This Honorable Court has subject matter jurisdiction based upon 28 U.S.C. §1333(1). This is a case of admiralty and maritime jurisdiction as hereinafter more fully appears and is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil

Procedure. Plaintiff invokes the special relief provided in Rule C of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure for the arrest, condemnation, and sale of the Defendant Fishing Vessel.

PARTIES

2. Plaintiff, The New Bedford Harbor Commission, is a Massachusetts government agency with a business address of 52 Fisherman's Wharf, New Bedford, MA 02740.
3. Upon information and belief, Defendant, Izabella Rose Fisheries, LLC, is a Massachusetts company with its principal place of business at 125 Duck Pond Road, Wellfleet, Massachusetts 02667.
4. At all times relevant hereto, upon information and belief, Izabella Rose Fisheries, LLC, was, and still is, the owner of the F/V IZABELLA ROSE (O.N. 521838).
5. Upon information and belief, Defendant, Matthew Parent is a natural person and Massachusetts citizen with an address of 125 Duck Pond Road, Wellfleet, Massachusetts 02667.
6. At all times relevant hereto, upon information and belief, Matthew Parent, was, and still is, the owner and operator of the F/V IZABELLA ROSE (O.N. 521838).
7. Defendant Vessel, IZABELLA ROSE (O.N. 521838), is a commercial fishing vessel approximately 69 feet in length. The F/V IZABELLA ROSE (O.N. 521838) her engines, tackle, apparel, furniture, equipment, rigging, and all other necessities appurtenant thereto is presently moored at Steamship Pier, New Bedford Harbor, New Bedford Massachusetts 02740, on property owned and controlled by the City of New Bedford and operated by the New Bedford Harbor Commission, which is within this District and the jurisdiction of this Honorable Court.

FACTS

8. Upon information and belief, the F/V IZABELLA ROSE (O.N. 521838) has been moored in New Bedford Harbor at a pier operated by the NBHC for at least the last two (2) years.
9. Based upon the information and belief of the NBHC and the New Bedford Harbormaster, the F/V IZABELLA ROSE is in violation of numerous rules and regulations of the NBHC. These rules and regulations are designed to assist in maintaining the functional integrity and operation of the piers, wharves, and vessels located in New Bedford Harbor.
10. Accordingly, and pursuant to the Rules and Regulations of the NBHC, “only active commercial fishing vessels, which are seaworthy ... shall be eligible to obtain a docking permit” at NBHC operated and controlled wharves and piers.
11. NBHC Rules and Regulations, further provide that, “permitted vessels shall at all times be maintained in a seaworthy condition, tight fit in storage in all respects.”
12. The F/V IZABELLA ROSE, in violation of those Rules and Regulations, has no motor and has not fished in over two (2) years. Most notably, it is badly deteriorated, with, among other things, its hull is compromised.
13. As such, the F/V IZABELLA ROSE not only presents as a hazard in and of itself, and is in danger of sinking, but further presents a hazard to surrounding vessels due to the extreme nature of its deterioration and unseaworthy conditions.
14. The NBHC’s accounting further indicates a past due unpaid balance for homeport dockage fees concerning the F/V IZABELLA ROSE of \$4,452.50 for 2019, and \$5,137.50 for 2020, the latter payment was due on January 6, 2020.
15. The current overdue balance for homeport dockage fees, therefore, totals \$9,590.00.

16. Efforts by the NBHC to collect the past due balance have gone unanswered and ignored by Defendant, Matthew Parent.
17. The NBHC, therefore has terminated all dockage and mooring privileges with respect to the F/V IZABELLA ROSE and served Defendant Matthew Parent with a demand for the Vessel's immediate removal from its current location at Steamship Pier, and from any property owned and/or operated by the NBHC and the City of New Bedford.
18. Pursuant to the NBHC's demands, the period within which to remove the F/V Izabella Rose and to pay all outstanding homeport dockage fees has expired, and Defendants have otherwise failed to respond to the NBHC's demands.
19. As a result of the failure to pay, the NBHC suffered damages in the amount of approximately \$9,590.00 as best can be calculated at the present time. Plaintiff reserves its right to amend its claims for damages, both as to quantum and type, based upon the evidence adduced at trial. Although demand has been made to the Defendants, no part of which has been paid.
20. By reason of the foregoing, The NBHC has sustained losses presently estimated to be no less than \$9,590.00 which will be shown with specificity at trial, no part of which has been paid, although duly demanded.

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court:

1. Issue process in due form of law, according to the practice of this Honorable Court in matters of admiralty and maritime jurisdiction, against Defendant Vessel, F/V IZABELLA ROSE, her engines, tackle, apparel, furniture, equipment, rigging, and all other necessities appurtenant thereto;
2. Cite all persons having or claiming to have any interest therein to Appear and Answer this Verified Complaint;

3. Enter Judgment in favor of Plaintiff for the full amount of damages caused, as will be more fully shown at trial, with interest, costs, and reasonable attorneys' fees, and order Defendant Vessel, F/V IZABELLA ROSE, condemned and sold to pay its debts;
4. Enter Judgment against Defendants, Izabella Rose Fisheries, LLC, and Matthew Parent, for the full amount of damages caused, as will be more fully shown at trial, and as aforesaid, including any outstanding deficiency which may accrue pursuant to the public sale of said Vessel, together with interest, costs, and reasonable attorneys' fees; and
5. Grant Plaintiffs such other and further relief as this Honorable Court and justice may deem just and appropriate under the circumstances.

New Bedford Port Authority
By its attorneys,
CLINTON & MUZYKA, P.C.

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VERIFICATION
Pursuant to 28 U.S.C. §1746(1)

I, Pamela F. Lafreniere, on behalf of the New Bedford Port Authority verify, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 23, 2020



Pamela F. Lafreniere